

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

Case No. 7:22-CR-00139-M-BM-2

UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
SAMUEL BOBBY JENKINS,)
Defendant.)

ORDER

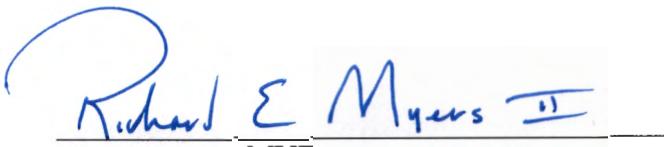
This matter comes before the court on the Defendant's unopposed Motion to Declare Incompetent [DE 84], in which the Defendant requests a forensic examination and a hearing to determine his competency pursuant to 18 U.S.C. § 4241. Based on the court's review of the record, including its observation of the Defendant at an arraignment on February 28, 2024, the court finds that "reasonable cause [exists] to believe that [Defendant] may presently be suffering from a mental disease or defect rendering him . . . unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense[]," within the meaning of 18 U.S.C. § 4241(a). Accordingly, the motion is GRANTED as follows.

In preparation for the hearing, (1) Defendant shall submit to a psychiatric or psychological examination by a licensed or certified psychiatrist or psychologist; (2) the examiner shall prepare and file a written report in accordance with 18 U.S.C. § 4241(b) and 18 U.S.C. § 4247(c) reflecting his or her findings regarding the Defendant's mental competency; (3) to the extent reasonably practicable, the examiner shall also provide an opinion regarding whether, "at the time of the commission of the acts constituting the offense [to which he has pled guilty], [Defendant], as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of his acts,"

and thus legally insane within the meaning of 18 U.S.C. § 4242 and 18 U.S.C. § 17(a); (4) if necessary, the Defendant shall be committed to the custody of the Attorney General for placement in a facility suitable for examination of the Defendant (as set forth herein) for a period lasting no more than thirty days; and (5) counsel for the parties shall confer and attempt to agree to the designation of a licensed or certified psychiatrist or psychologist to conduct the Defendant's examination; on or before November 4, 2024, the parties shall file a written proposal, either jointly or separately, of the person they seek to designate, along with that person's curriculum vitae and contact information. Once Defendant's examination is complete and the report has been filed with the court and provided to the parties, the court will schedule a hearing to adjudicate Defendant's competency to proceed pursuant to 18 U.S.C. § 4241(c) and 18 U.S.C. § 4247(d), and will entertain any further motions from the parties arising from the results of the examination.

In light of this order, the Defendant's continued arraignment hearing currently scheduled on October 23, 2024, is VACATED.

SO ORDERED this 21st day of October, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE